

MINUTES

FIRE PROTECTION SPRINKLER SYSTEMS WORK EXAMINING BOARD

APRIL 28, 2009

The meeting was called to order by David J. Waskowicz, Chairperson, at 9:30 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: David J. Waskowicz – Unlimited Journeyperson, Chairperson
Robert W. Hollis, III – Contractor
Kevin Wypychoski – Contractor
Thomas E. Booth – Unlimited Journeyperson
Ralph Carl Miller – Fire Marshal
Luis A. Coreano – Public Member
John Michalewicz – Public Member
James M. Barry – Public Member

Members Absent: Anthony D. Moscato – Fire Marshal

Board Vacancies: None

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary
Jerry Padula,
Robert Nakano
Janita Hamel

Public Present: Ben Wysocki
Bill Rhodes
Ray Pitcher
Angelo Lisi
Yuriy Rudshteyn
Paul Tagatac, Esq.

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

Agency Web site: www.ct.gov/dcp

MINUTES OF PREVIOUS MEETINGS

The Board voted unanimously to approve minutes of the February 24, 2009 Fire Protection Sprinkler Systems Work Examining Board meeting with amendments to page-2 & 3 to reflect the Board requesting additional information regarding on-the-job training and school related instruction experience concerning the application of Jason Alves and Randy Esposito, Kirk Jones having a Mass apprenticeship completion certificate; and page-5 under "New Business" to reflect that Mr. Waskowicz likened the pre-engineered alternate fire sprinkler systems to a spider web.

APPLICATIONS

Jason Jose Alves, East Haddam, CT – (F-2) Unlimited Journeyman – Tabled

The Board voted unanimously to table their decision, contingent upon verification from the CT Department of Labor that the Florida apprenticeship program served by Mr. Alves is equivalent to the CT apprenticeship program, and receipt of notarized statements from Mr. Alves' occupational related employers, attesting to his dates and duties of employment.

Phillip L. Briner, Portland, CT – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Briner's application.

Sergio B. Cefaloni, Danbury, CT – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Cefaloni's application.

Corey M. Hastings, Northbridge, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Hastings' application.

Keith R. Huguenin, Blackstone, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Huguenin's application.

E. David Knapik, W. Springfield, MA – (F-1) Unlimited Contractor – Approved

The Board voted unanimously to approve Mr. Knapik's application.

Trent K. Koopman, Whitinsville, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Koopman's application, contingent upon receipt and Board review of his Massachusetts fire protection sprinkler license.

Steven E. McFarlin, Agawam, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. McFarlin's application.

Jason M. Novia, Worcester, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Novia's application.

Raymond H. Pitcher, Medford, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Pitcher's application.

Mark W. Schattle, Wappingers Falls, NY – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Schattle's application.

Russell J. Simmarano, Worcester, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Simmarano's application.

Michael D. Sprandel, Agawam, MA – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Sprandel's application.

David Vega, Cheshire, CT – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Vega's application.

Gladys Williams, New Haven, CT – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Williams' application.

Keith M. Williams, Plymouth, MA – (F-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. Williams' application due to lack of a required (F-2) Unlimited Journeyman license for a minimum of two years.

REQUESTING REINSTATEMENT OF EXPIRED LICENSE

Robert J. Patton, Ivoryton, CT – (F-2) Unlimited Journeyman (Expired 10/31/07).

The Board voted unanimously to deny Mr. Patton's request due to his license expiring beyond the 365 day statutory limitation to reinstate. Therefore, Mr. Patton would have to re-apply and re-test for his (F-2) Unlimited Journeyman license.

CORRESPONDENCE

1. Connecticut occupational trades pass / fail report from 1/1/09 – 3/31/09.
2. DCP Trade Enforcement complaint report.

Mr. Nakano and Ms. Hamel appeared before the Board today and provided them with a complaint report reflecting nature of the case, case resolution and assessed fines. The Board was informed of the monitoring procedures to track respondents who have already been fined for violations and the process for assessing fines. The Board was also informed of the complaint process and investigative procedures for substantiating alleged complaints.

3. Section 20-334a of the CT General Statutes concerning types of licenses that may be issued if such service was outside this state.

PETITION FOR DECLARATORY RULING

In the Matter of: Yuriy Rudshteyn

Mr. Rudshteyn and his legal counsel, Paul Tagatac appeared before the Board at their 10/28/08 meeting with regard to Mr. Rudshteyn's (F-1) Unlimited Contractor and (F-2) Unlimited Journeyman Fire Protection Sprinkler Work license applications which the Board has previously denied.

Attorney Tagatac is requesting a declaratory ruling as to Mr. Rudshteyn's qualification for an (F-1) Unlimited Contractor license, and in the alternative, a declaratory ruling about Mr. Rudshteyn's qualification to receive an (F-2) Unlimited Journeyman license, and in the event the Fire Protection Board determines that Mr. Rudshteyn does not possess the required occupational and school related instruction experience, Attorney Tagatac requests a declaratory ruling about the specific area or areas where such Board deems Mr. Rudshteyn's experience / instruction deficient.

This matter was tabled at the Board's 10/28/08 meeting for further review and discussion at their December 23, 2008, pending Board inquiring with Jack Guerrera, CT Department of Labor Manager and Raul Rodriguez, CT Assistant Attorney General / Fire Protection Board Legal Counsel.

Due to lack of a representative from the CT Attorney General's office at the Board's December 23, 2008 meeting, the Board voted unanimously to table this matter to their next meeting scheduled for Tuesday February 24, 2009.

Attorney Tagatac appeared before the Board at their 2/24/09 meeting. The Board voted unanimously to re-schedule this matter to their next meeting scheduled for Tuesday, April 28, 2009 at 11:30 a.m., at which time Yuriy Rudshiteyn is to be present to answer questions by the Board concerning his on-the-job training and related instruction experience. The Board also agreed to keep the petition for the declaratory ruling open beyond the statutory 180 day period.

Mr. Rudshiteyn and his legal counsel, Paul Tagatac appeared before the Board today. Attorney Tagatac stated that he addressed a letter dated 12/3/08 to Robert J. Martin, CT Education Consultant with the Department of Education, and requesting review of Mr. Rudshiteyn's fire protection educational material and for an AT23 form showing educational related instruction compliance. Attorney Tagatac provided Mr. Martin's response dated 12/5/08 in which Mr. Martin indicates he has reviewed Mr. Rudshiteyn's education material and that his concern with Mr. Rudshiteyn's education is that the documentation does not show if all the applicable National Fire Protection Association articles have been covered.

Mr. Waskowicz provided a recent written response from Mr. Martin dated 4/28/09, reflecting that upon review of Mr. Rudshiteyn's fire protection educational material, the course work completed by Mr. Rudshiteyn does not full fill the related instruction required by formal apprenticeship.

Attorney Tagatac said he is seeking an Unlimited Contractor license for his client and that the statute cited within his petition states that the Board has the authority to grant an Unlimited Contractor license if the out of state experience and education are comparable or similar to service in this state, and that it is not required to hold an Unlimited Journeyman license for any period of time by CT law. Attorney Tagatac said that his argument to this Board is that Mr. Martin's 4/28/09 letter is at odds with his 12/5/08 letter, in that Mr. Martin says in his 12/5/08 letter that he is not in a position to tell if Mr. Rudshiteyn completed the educational requirements. Attorney Tagatac is requesting from this Board, a determination that Mr. Rudshiteyn can either take his license examination, or if he cannot, a detailed and specific statement that is required by law, as to where he is deficient.

Mr. Waskowicz said that the CT Department of Labor oversees the apprenticeship and that the Department of Consumer Protection oversees the licensing, and that the Board's objective is to review applications for compliance to CT State Statutes.

After further review and consideration of Mr. Rudshiteyn's (F-1) Unlimited Contractor application, Mr. Hollis motioned and seconded by Mr. Coreano to deny Mr. Rudshiteyn's application due to lack of evidence satisfactory to the Board that Mr. Rudshiteyn's work experience and school related instruction education is comparable or similar to the requirements in this state. The motion carried unanimously. The Board suggested that Mr. Rudshiteyn can satisfy the school related instruction component by completing the (AFSA) American Fire Sprinkler Association program consisting of 576 hours and that his work experience must be substantiated via notarized statements from his occupational related employers attesting to occupational related dates and duties of employment consisting of 8,000 hours.

After further review and consideration of Mr. Rudshiteyn's (F-2) Unlimited Journeyperson application, Mr. Wypychoski motioned and seconded by Mr. Hollis to deny Mr. Rudshiteyn's application due to lack of evidence satisfactory to the Board that Mr. Rudshiteyn's work experience and school related instruction education is comparable or similar to the requirements in this state. The motion carried with Mr. Barry opposed. The Board suggested that Mr. Rudshiteyn satisfy the school related instruction component by completing the (AFSA) American Fire Sprinkler Association program consisting of 576 hours and that his work experience must be substantiated via notarized statements from his occupational related employers attesting to occupational related dates and duties of employment consisting of 8,000 hours.

COMMENTS FROM PUBLIC PRESENT TODAY

Mr. Wysocki reported that a particular Fire Marshal apparently led an owner of a project to believe that his plumber can install an alternate fire sprinkler system as long as it was a Wirsbo pex tubing system. Mr. Wysocki is looking for clarification as to who can do this work.

The Board unanimously concluded that the Wirsbo Aquapex tubing alternate fire sprinkler system described within Mr. Wysocki's handout presented to the Board is in fact fire protection sprinkler work and falls under the fire protection sprinkler work license category. The Board suggested that Mr. Wysocki file a formal complaint if he witnesses fire sprinkler work being performed by individuals not possessing the appropriate fire protection sprinkler work license.

OLD BUSINESS

Mr. Wypychoski would like to request a follow-up from DCP concerning their request at their 10/28/08 meeting in which the Board requested the insertion the word "fire protection" in front of every word "engineer" throughout Chapter 391 of the CT Regulations.

There being no further business, the meeting adjourned at 1:42 p.m.

Respectfully submitted,

Nelson Leon
Board Secretary

The next meeting is scheduled for Tuesday, June 23, 2009, at 9:30 a.m. in Room 117.